

Amendment No. 1 to HB3301

Armstrong
Signature of Sponsor

AMEND Senate Bill No. 3812

House Bill No. 3301*

by deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "Freedom From Coercion Act".

SECTION 2. Tennessee Code Annotated, 39-15-202(a), is amended by designating the existing language as subdivision (1) and by adding the following language as new subdivisions:

(2)

(A) Any private physician's office, ambulatory surgical treatment center or other facility or clinic in which abortions, other than abortions necessary to prevent the death of the pregnant female, are performed shall conspicuously post a sign in a location defined in subdivision (a)(2)(C) so as to be clearly visible to patients, which reads:

Notice: It is against the law for anyone, regardless of the person's relationship to you, to coerce you into having or to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened criminal offense to coerce an abortion.

(B) The sign required pursuant to subdivision (a)(2)(A) shall be printed in languages appropriate for the majority of clients of the facility with lettering that is legible and that is Arial font, at least 40 point bold-faced type.

(C) A facility in which abortions are performed that is a private physician office or an ambulatory surgical treatment center shall post the required sign in each patient waiting room and patient consultation room used by patients on whom abortions are performed. A hospital or any other facility in which abortions are performed that is not a private physician office or ambulatory surgical treatment center shall post the required sign in each patient admission area used by patients on whom abortions are performed.

(3)

(A) An ambulatory surgical treatment center or other licensed facility shall be assessed a civil penalty by the board for licensing health care facilities of two thousand five hundred dollars (\$2,500) for each day of violation in which:

(i) The sign required in subdivision (a)(2)(A) was not posted during business hours when patients or prospective patients are present; and

(ii) An abortion other than an abortion necessary to prevent the death of the pregnant female was performed in the ambulatory surgical treatment center or other licensed facility.

(B) A licensed physician shall be assessed a civil penalty by his or her title 63 medical licensing board of one thousand dollars (\$1,000) for each day of violation in which:

(i) The sign required in subdivision (a)(2)(A) was not posted during business hours when patients or prospective patients are present at the private physician's office or clinic; and

(ii) The physician performed an abortion in the private physician's office.

(4) The penalty provided for in subdivision (a)(3) is in addition to any other remedies applicable under other law, and subdivision (a)(3) does not preclude prosecution and conviction under any applicable criminal law.

SECTION 3. Tennessee Code Annotated, Section 37-10-307, is amended by designating the existing language as subsection (a) and adding the following language as a new subsection:

(b) In addition to the action provided for in subsection (a), a person or entity that fails to comply with the notice requirements of § 39-15-202(a)(2) shall be subject to the penalties and action provided for in § 39-15-202(a)(3).

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect October 1, 2010, the public welfare requiring it.